



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

243

CRM-A-2507-MA-2018 (O&M)

Date of decision: 03.11.2025

Hemant Kumar

...Applicant/Appellant(s)

VERSUS

Gurmeet Singh

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Arpandeeep Narula, Advocate for the Appellant(s).

VINOD S. BHARDWAJ, J. (Oral)

CRM-39775-2018

Prayer in the application is for condonation of delay of 173 days in filing the accompanying appeal.

For the reasons mentioned in the application, the same is allowed and delay of 173 days in filing the accompanying appeal is condoned.

Main case:

The present application has been preferred seeking grant of leave to appeal against the judgment of acquittal dated 17.03.2018 passed by the learned Judicial Magistrate 1st Class, Sirsa, in a case stemming from complaint dated 16.05.2013/02.01.2015 filed under Section 138 of Negotiable Instruments Act, 1881.

2. Learned counsel for the appellant(s) fairly submits that in view of the judgment of the Hon'ble Supreme Court passed in *M/s. Celestium*



Financial vs. A. Gnanasekaran Etc., 2025(3) RCR (Criminal) 208, the applicant would have a remedy before the Court of Sessions.

3. The complaint (supra) was filed on the ground of dishonour of cheque of Rs.2,00,000/-. After assessing all the material available on the record, the learned trial Court acquitted the respondent(s) vide judgment dated 17.03.2018.

4. In view of the judgment rendered by the Apex Court in *Celestium Financial (supra)*, the present application seeking leave to appeal is **remanded** to the learned Sessions Judge, Sirsa with a direction to treat the same as an appeal filed under Section 372 of the Cr.P.C. (Section 413 of the Bharatiya Nagarik Suraksha Sanhita, 2023) and entrust the same to appropriate Court for its disposal on merits.

5. The Registry is directed to send the complete paper-book and the record of the case to the learned Sessions Judge, Sirsa forthwith.

6. Disposed of accordingly. Pending miscellaneous applications, if any, also stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

03.11.2025
Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No